

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN MCDERMOTT and
STACEY MCDERMOTT
Plaintiffs,

v.

DOCKET NO: 04-CV-12253

FEDEX GROUND PACKAGE SYSTEMS,
INC., T.S. PRUITT, ALLEGIANCE
HEALTHCARE, INC., D. PONCE, E.W.
WYLIE CORPORATION, D.W. SMITH,
ARSENBERGER TRUCKING, INC., J.T.
FOSBRINK, RYDER TRUCK RENTAL,
LORRAINE ODZANA as
ADMINISTRATRIX OF THE ESTATE
OF JAMES J. ODZANA, SHORELINE
TRANSPORTATION, INC., JACLYN
PALETTA as ADMINISTRATRIX OF
THE ESTATE OF MARIO J. CASTRO
Defendants.

ANSWER OF THE DEFENDANT, ARSENBERGER TRUCKING, INC.,
TO CROSSCLAIM OF FEDEX GROUND PACKAGE SYSTEMS, INC.

FIRST DEFENSE

FedEx Ground Package Systems, Inc.'s (FedEx) Crossclaim fails to state a claim against the defendant upon which relief can be granted.

SECOND DEFENSE

The defendant responds to the allegations contained in FedEx's Crossclaim, paragraph by paragraph, as follows:

COUNT X

(Contribution – Arsenberger Trucking, Inc.)

19. The Crossclaim defendant, Arsenberger Trucking, Inc., denies the allegations contained in Paragraph 19 of Count X of FedEx's Crossclaim.

20. The Crossclaim defendant, Arsenberger Trucking, Inc. denies the allegations contained in Paragraph 20 of Count X of FedEx's Crossclaim.

WHEREFORE, the Crossclaim defendant, Arsenberger Trucking, Inc. denies that FedEx is entitled to recovery in any amount.

JURY DEMAND

The defendant, Arsenberger Trucking, Inc., demands a trial as to all issues raised in the Crossclaim of FedEx.

Respectfully submitted,

The Defendant,
ARSENBERGER TRUCKING, INC.,
By its Attorneys,

/s/Cheryl A. Enright

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CERTIFICATE OF SERVICE

I hereby certify that is document filed through the EFC system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 22nd day of June, 2007.

/s/Cheryl A. Enright

Cheryl A. Enright, BBO No. 552237